

July 9, 2018

To: Lamoine Appeals Board

From: Anne LaBossiere, President, Eagle Point Association

Gordon Donaldson, listed as abutter

In Re: Eagle Point Association and Donaldson concerns about the Niemann/Miller application for a variance regarding proposed development on MAP 10, LOT 5-4.

Thank you for hearing our concerns regarding the above application for a variance. Griff has informed Gordon that the Board is likely to discuss the application in some detail at its meeting Tuesday night, the 10th. We are sending along this memo to acquaint you with three sets of concerns we have about this application for development:

1. The plot map/drawing includes at least two important inaccuracies:
 - a. EAST BOUNDARY of the lot is drawn **so that it overlaps with subdivision property; it also inaccurately lists Gordon Donaldson as an abutter.** (Subdivision deeds and surveys set this boundary further to the west – see metal stake recently set -- and include a Right of Way for “Boat Ramp”.)
 - b. WEST BOUNDARY of the lot map does not reflect the fact that **the entire west side of the property borders on Martin’s Cove** at high tide.

It appears that a **proper survey** of this lot is essential to any permitting decisions.

2. We would like to remind members of the Board that the Town has forbidden developments of this nature in this “locality” in the past. The 36 lots in the Eagle Point subdivision established in 1971 (and thus grandfathered) were all larger than Lot 5-4. **Development was not permitted on all but a few of these lots** for a combination of reasons related to soils/septic, shoreland regulations, and rear/sideyard setbacks. The result was that purchasers and developers were **required to combine lots in order to satisfy the Town’s ordinances even though these lots were grandfathered for both BLUO and SZO purposes.** We ask that the Appeals Board remain loyal to these precedents to preserve “the character of the locality”.
3. We have a number of concerns regarding the interpretation of **both** the BLUO and the SZO. It is the Board’s responsibility to make the ultimate determination on these, but we wanted to share briefly these concerns:
 - a. Acreage: below the minimum permitted for this development.
 - b. Setbacks:
 - i. Shoreland 100’ setback (using a correct map of West Boundary) AND BLUO Side and Rear Yard setbacks **leave only**

a very narrow (5 foot at the widest) triangle in which it is permissible to build.

- ii. That triangle's widest portion is directly on the road frontage.
- c. Maximum Lot Coverage (10% in SZO; 25% in BLUO)
- d. Capacity of this development to meet state and local septic and water requirements.
- e. The application violates portions of the BLUO (not just the SZO)

cc. Stu Marckoon, Town Administrator
Members of the Eagle Point Association